

Appli. No. 10/035,290

Amendment dated \_\_\_\_\_

Reply to Office Action dated 01/12/2004

### **REMARKS/ARGUMENTS**

In the Specification the paragraph bridging pages 2 and 3 of the Specification; the second full paragraph of page 3; the third full paragraph of page 3; and the paragraph bridging pages 6 and 7 of the Specification have been amended as required by the Examiner. When Applicants added language to make it more clear that bifurcated arms "can be either rigid or flexible", this was not believed to be new matter. The argument has been previously made in the Appeal Brief filed herein that the bifurcated arms are generic to both rigid and flexible arms and the Examiner has agreed, pointing to both rigid and flexible arms of cited references as being bifurcated arms, as claimed. Nevertheless, to avoid further costs and because it is clear that "bifurcated arms" can be either rigid or flexible, applicants have complied with the requirement of the Examiner. It is too time consuming and costly to file another appeal if the allowed claims will reasonably suffice.

Claims 1, 2, 3, 5 and 9 remain in the case.

Claims 4, 6, 7, 8 and 10 have been cancelled.

Claims 1 and 9 have been indicated allowable.

It is noted that this is a response to a second Final Rejection in this case. It is also noted that the Examiner is no longer relying on any of the references, following filing of a Notice of Appeal and Appeal Brief in rejecting Claims 2-5 and 10 of the application.

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**Claim Rejections 35 U.S.C. Sec. 112**

Claims 2-5 and 10 have now been rejected under 35 U.S.C. Sec. 112. In making the rejection, the Examiner states that "the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention".

The Examiner then states, regarding Claims 2, 3 and 10, all of which depend from allowed Claim 1, "neither the specification nor the drawings specifically originally taught the bifurcated arms to be substantially rigid, the interconnecting means to be rigid, or the bifurcated arms to be flexible, respectively".

Accordingly, Applicants have now cancelled the language in Claim 2 regarding substantially rigid bifurcated arms and "flexible" and thereby leaving the arms and the interconnecting means capable of being either rigid or flexible.

Claim 10 has been cancelled.

Claims 2 and 3, not being rejected on art and with the language objected to by the Examiner removed, are clearly allowable, along with Claim 1 from which they depend. With regard to Claim 3, the Examiner notes that Fig. 8 "shows the bifurcated arms 138 and 140 being interconnected by a connector". This is just what Claim 3 calls for and Claim 3 should be allowable along with its parent Claim 1.

Claim 3 does not call for the combination of straps.

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In Claim 5, the language "are substantially rigid and" has been cancelled and the claim has been made to depend from allowable parent Claim 1.

It appears that there is no longer any basis for rejection of Claim 5 and it should be allowed.

Applicants have now cancelled Claim 8, which was previously non-elected.

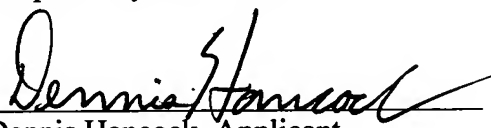
Claim 9 has been allowed.

Since amendments have been made to the Claims 2, 3 and 5 to eliminate the language providing the basis for the Examiner's rejection, it is obvious that these claims should now be allowed along with Claim 1 from they depend and previously allowed Claim 9.


Entry of this proposed amendment as placing the case in condition for immediate allowance or in better condition for appeal is requested.

Respectfully Submitted,

02-17-04  
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